



RCRA Brownfields Prevention Initiative: Pilot Projects 2000 Summary Report

EXECUTIVE SUMMARY

The RCRA Brownfields Prevention Initiative is a U. S. Environmental Protection Agency (EPA) effort designed to use opportunities for statutory and regulatory flexibility in the Resource Conservation and Recovery Act to accelerate site cleanup, facilitate dialogue, and integrate reuse and redevelopment issues, as appropriate, into cleanup decisions. In the longer term, it is EPA's goal that this initiative will help accelerate cleanups at brownfields sites, thus enabling the creation of new jobs, businesses, and green spaces for communities.

In March 2000, EPA announced four pilot projects intended to provide case studies of techniques, tools, and strategies to integrate RCRA cleanups and brownfields redevelopment. The four pilots are: 1) the CBS/Viacom facility in Bridgeport, Connecticut; 2) the Bethlehem Steel Corporation site in Lackawanna, New York; 3) the PECO-Energy (now Exelon Corporation) facility in Chester, Pennsylvania; and 4) the Blue Valley Redevelopment area in Kansas City, Missouri. The four pilots already have yielded results and innovations that can be transferred to other sites. All sites have cleanup and redevelopment plans well underway, and all have benefitted from the pilot process by eliminating unnecessary procedural steps, cutting red tape, and brokering communication between state and local governments and the community.

The RCRA Brownfields Pilots illustrate how frequent communication among federal, state, and local governments, community members, owners/operators, and other stakeholders, coupled with the corrective action reforms emphasis on "results over process," can expedite cleanup. This will, in turn, allow for redevelopment at RCRA facilities. The process at all four sites has been accelerated (in some cases, dramatically) by their designation as a RCRA Brownfields pilot. The pilots demonstrate the value of broad-based stakeholder communication. They point out to methods for streamlining and accelerating the RCRA corrective action process, partnering with states and industry, focusing on results, and achieving faster cleanups that meet the redevelopment goals of the facility and community at large while ensuring protection of human health and the environment. **The pilots also demonstrate that significant effort is needed to further incorporate a Brownfields approach of accommodating plans for community revitalization and site reuse into the RCRA corrective action program.**

This summary report provides background on the Initiative, describes the pilots and their accomplishments, and identifies the "lessons learned" that EPA and other stakeholders can use to improve cleanups by leveraging redevelopment potential at properties subject to RCRA.

INTRODUCTION

In an effort to prevent future brownfields¹ at RCRA sites and communicate streamlined cleanup approaches to bring land back into productive use, EPA launched the **RCRA Brownfields Prevention Initiative** in June 1998. The action was taken in response to growing recognition that the traditional Resource Conservation and Recovery Act (RCRA) cleanup process could, in some instances, delay cleanup and redevelopment of abandoned or underutilized contaminated sites. RCRA primarily regulates the generation, treatment, storage and disposal of hazardous wastes; however, the RCRA program also affects the cleanup of sites that are contaminated with hazardous wastes (either because the property was subject to a RCRA permit or had Interim Status, or because RCRA waste is managed during cleanup of the site). While the initial years of EPA's Brownfields program focused on issues posed by the Superfund program, EPA's review of the first several rounds of Brownfields pilot applications revealed that many of the applicants also raised RCRA impediments to redevelopment or reuse.

A joint memorandum from the EPA Assistant Administrators for the Office of Solid Waste and Emergency Response (OSWER) and the Office of Enforcement and Compliance Assurance (OECA) responded to the growing issue of RCRA requirements and Brownfields redevelopment and launched the RCRA Brownfields Prevention Initiative with the underlying goal to "facilitate reuse of brownfields subject to RCRA."² A critical component of the initiative is to highlight opportunities for statutory and regulatory flexibility that currently exist in the RCRA program. The initiative is not about legislative relief or regulatory reform. Rather, it is designed to improve how federal and state governments implement the RCRA program and work with stakeholders regarding property reuse to yield more effective results for communities and for the environment.

Accordingly, an important goal is to raise awareness among Regions, states, and other stakeholders of redevelopment opportunities at RCRA corrective action facilities, and thereby, where appropriate, leverage redevelopment potential to improve the corrective action process and help EPA achieve its Government Performance and Review Act (GPRA) goals.

¹ Brownfields are abandoned, idled, or under-used industrial commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

² The memorandum also announced the formation of an EPA workgroup that would "identify and understand any potential impediments to cleanup and reuse of brownfields posed by RCRA." The workgroup also was charged to "begin strategizing ways to facilitate successful reuse of [RCRA corrective action] facilities." (See "Facilitating Reuse of Brownfields Subject to the Resource Conservation and Recovery Act: RCRA Brownfields Prevention Initiative," Memorandum from Steven A. Herman, Assistant Administrator, OECA and Timothy Fields, Acting Assistant Administrator, OSWER to RCRA Senior Policy Managers and CERCLA Senior Policy Managers, Regions 1 - 10, June 11, 1998.)

The memorandum also sets forth three primary goals of the RCRA Brownfields Prevention Initiative:

- To raise awareness of the initiative by announcing and publicizing intentions for undertaking this initiative to lenders, developers, community representatives and other stakeholders in brownfields cleanup and reuse;
- To work with partners in brownfields reuse to gather information, identify any RCRA barriers to redevelopment, and develop solutions; and
- To develop tools such as fact sheets and “pilot good ideas” generated from dialogue with interested stakeholders. [emphasis added]

THE RCRA BROWNFIELDS PILOT PROJECTS

RCRA Reforms

In December 1999, EPA asked its Regional offices and the states to propose an initial round of RCRA brownfields pilots to “showcase RCRA reforms” and develop solutions that take advantage of existing statutory and regulatory flexibility.³ The RCRA Corrective Action Reforms, announced in July 1999, were a series of administrative improvements to the RCRA cleanup program designed to speed corrective action and help achieve the ambitious GPRA goals for the RCRA program. Some of the most significant reforms included:

1. Withdrawal of the Subpart S corrective action proposed rule, and issuance of EPA guidance recommending “performance-based” standards that focus on completion and results, not process (64 FR 54604, October 7, 1999; 65 FR 15904, March 24, 2000).
2. The Hazardous Remediation Waste Management Requirements (HWIR-Media), which streamlined the RCRA permitting process for such sites through the use of Remedial Action Plans (RAPs), and eliminated the requirement for facility-wide corrective action at sites that are only required to obtain a RCRA permit because of cleanup activities (63 FR 65874, November 30, 1998).
3. The Closure/Post-Closure rule for RCRA facilities, which for the first time allows regulators to replace certain closure requirements at certain regulated units with alternative cleanup requirements developed under a corrective action program. The rule

³ (See “Call for Regional/State RCRA Brownfields Pilot Projects,” Memorandum from Timothy Fields, Assistant Administrator, OSWER and Steven A. Herman, Assistant Administrator, OECA to RCRA and CERCLA Senior Policy Managers, Regions 1 - 10, December 3, 1999.)

also allows the use of “alternative mechanisms” to permits for post-closure care (63 FR 56710, October 22, 1998).

4. Issuance of specific Land Disposal Restrictions (LDR) treatment standards for hazardous soils and provisions for site-specific, risk-based variances from LDR standards for cleanup wastes (63 FR 28606, May 26, 1998).

The December 1999 memorandum called for EPA Regional offices and state agencies to submit applications for pilot projects that would pursue new approaches to cleanup of existing brownfields for reuse, as well as prevention of future brownfields at RCRA sites. Specifically, the memorandum further emphasized the goal to “identify actual or perceived RCRA barriers to reuse and develop solutions that take advantage of existing statutory and regulatory flexibility in the program to address them.” An underlying message in the “call for pilots” memorandum and in the workgroup discussions was for pilot projects to “work and think out of the box” and document new approaches. These approaches could involve use of state authorities, enforcement tools such as comfort/status letters or prospective purchaser agreements, and coordination of federal, state, and local efforts to speed cleanup and allow for redevelopment.

Pilot Selection Process

The December 1999 memorandum included a format for applications based on the internal EPA/state workgroup analysis and review and used the earlier brownfields assessment pilot application process as a starting model. The individual pilot applications were reviewed and independently ranked by a review team of RCRA Brownfields Prevention workgroup members and EPA Brownfields staff. Once the review team ranked the pilot applications, the Assistant Administrator for OSWER selected four projects out of seven original applications. The four pilot projects covered several aspects of RCRA and Brownfields, including streamlined corrective action procedures, use of state voluntary (or alternative cleanup) authorities, and integration of brownfields redevelopment/environmental data into a portfolio.

Highlights of the four pilots are set forth below. A more detailed description of each pilot’s background, goals, accomplishments, lessons learned, and future plans is presented later in this report.

- **CBS/Viacom in Bridgeport, CT:** This site is a former electrical wiring manufacturing site that operated from 1888 to 1998, with soil and groundwater contamination. Assessment and remediation are continuing at the site. The primary pilot goal is to satisfy state and federal cleanup requirements without duplication by identifying issues and resolving differences between the Connecticut Property Transfer Act and RCRA corrective action requirements. Additional goals include developing a public communication fact sheet and forming a pilot project stakeholder team. To date, state and federal cleanup requirements have been integrated, a local community-wide fact sheet has been distributed, and remediation activity and redevelopment planning is proceeding. Also, Viacom and the City of Bridgeport signed an agreement under which the Viacom agreed to complete its obligations under RCRA and the Connecticut Property Transfer

Act. As a result, Prime Resources, a developer, was provided “comfort” and is working with Viacom to complete the purchase of the site. The future plan is to develop a light manufacturing facility.

- **Bethlehem Steel Corporation (BSC) in Lackawanna, NY:** This site is a former fully integrated steel mill, a portion of which is still operating. The site includes two parcels of approximately 102 acres and 500 acres that are strong redevelopment candidates but are still covered by a RCRA Facility Investigation order and retain RCRA Interim Status. Prior to the pilot, EPA issued a “no further action” letter for the 102-acre parcel. The primary pilot goal was to devise a means to release the 102-acre parcel from the order, and move it into the state voluntary cleanup program. EPA and New York then could apply a similar approach to the 500-acre parcel. Broadened stakeholder involvement and public outreach have been integral to the process. EPA has released the 102-acre parcel from the RFI order and has turned over cleanup of the entire site to the New York Department of Environmental Conservation (NYDEC). A public workshop that covered regulatory and site development issues has been held, as well as a public information meeting with local officials and city residents. BSC and NYDEC are continuing work on formulating voluntary cleanup requirements consistent with the NYDEC voluntary program for the 102-acre parcel prior to redevelopment. The future plan is to build a light industrial park.
- **PECO-Energy in Chester, PA:** This is a former utility site, a 17-acre portion of which was leased for hazardous waste recycling. PECO-Energy is under a RCRA consent order and remediation of soils and groundwater is proceeding. The primary pilot goal is for EPA and the state to expedite cleanup and redevelopment by working together to integrate RCRA corrective action with the Pennsylvania Land Recycling and Reclamation Act (Act 2), and thus help revitalize an environmental justice (EJ) community. The regulatory integration process continues along with the ongoing cleanup. A property developer, Preferred Real Estate Investments, has purchased a major portion of the site from PECO-Energy (now Exelon Corporation) and plans to renovate an old power plant building into commercial office space for a high-tech company headquarters. PECO-Energy/Exelon will donate a parcel to the City of Chester to expand an adjacent city park.
- **Blue Valley Redevelopment in Kansas City, MO:** The pilot focuses on a blighted multi-facility industrial area (including RCRA facilities such as wood treaters and scrap recyclers) in a flood plain adjacent to the Blue River in east Kansas City, a Brownfields “Showcase” community. The primary goal is to meld RCRA issues into an existing interagency redevelopment effort by incorporating RCRA data and issues into a city’s “Redevelopment Opportunity Portfolio” that also includes information from a geographic information system (GIS) and other environmental data for the area. A secondary goal is to combine EPA and Corps of Engineers projects to facilitate reuse of clean dredged material from the Corps of Engineers Blue River re-channelization project as fill on a RCRA facility that will be assessed and, if necessary, remediated before redevelopment. The collected environmental data and GIS information has already been incorporated into the city’s “Redevelopment Opportunity Portfolio.” However, it was also decided to use

the collected information as part of an area-wide background study that will be used as a baseline comparison of contaminants in site-specific investigations. The background study is about to begin pending the approval of the Missouri Department of Natural resources. Also, the reuse of dredged material is awaiting approval by the City of Kansas. The future plans are to place new industrial facilities on old industrial properties and to revitalize the area.

RESULTS AND “LESSONS LEARNED” FROM THE PILOTS

The pilots were launched in March 2000, and each has yielded results in a relatively short time frame. Initially, pilot team leaders and participants needed to reorient perspectives and establish communication and trust across a variety of stakeholder viewpoints. EPA encouraged stakeholders to explore innovative approaches that integrate reuse issues and corrective action to leverage redevelopment and reuse potential and hasten cleanup. Each of the four pilots has produced valuable achievements and “lessons learned.” These generally fall into three categories:

- Accomplishments
- “Lessons learned” for the RCRA Corrective Action Program
- “Lessons learned” for administering the next round of pilots

Accomplishments

Overall, the four pilots demonstrated that frequent communications among all levels of government and facility owners/operators, combined with the RCRA corrective action reform emphasis on results over process, can speed cleanup which will, in turn, enhance the opportunity for redevelopment. All four pilot sites had been in the RCRA corrective action pipeline for years with limited progress due, in part, to a lack of understanding and communication of stakeholder needs and views. The pilots provide a much needed forum that allow diverse stakeholder interests to start communicating while focusing on cleanup and process improvement. As a consequence, issues and problems have been clarified and possible solutions more readily identified. The more intensive stakeholder dialogue provided a climate for constructive communications that helped expedite cleanup and redevelopment. For example, at both the CBS/Viacom and PECO-Energy sites, regulatory duplication was minimized, which accelerated activity by a year or more. Developers are now involved at both locations. At the Bethlehem Steel Corporation site and Beazer East site in Blue Valley, parcels were released from RCRA oversight for subsequent redevelopment. The emphasis of the RCRA corrective action reforms on “results over process” has begun to create a climate that has allowed team members to focus on achieving desired goals by the most efficient and appropriate means, regardless of the vehicle, be it a state voluntary order, state voluntary cleanup program (VCP), or state or federal RCRA corrective action.

One critical outcome of these pilots is that site assessment and cleanup activities and redevelopment plans are well underway at all four pilot sites. At the CBS/Viacom and PECO-

Energy facilities, developers and both the state and federal governments are actively involved, and the owner/operators are taking steps to coordinate the planned or ongoing cleanup with the redevelopment plans. At the Bethlehem Steel site, the pilot has spurred area-wide redevelopment dialogues involving local government, academics, and urban planners. At Blue Valley Redevelopment, the pilot resulted in integrating valuable RCRA site-characterization data and related information into area-wide revitalization plans for marketing these properties, as well as helping to spur redevelopment of the Beazer East facility site.

The pilots also have created generally cohesive teams with positive working relationships that bode well for further progress on cleanup and reuse in the future. Though the pilots have been relatively brief in duration, the opportunity created by the pilots has accelerated action by the teams, created a setting in which technical or legal issues are identified and resolved informally where possible (or rapidly elevated for attention), and educated team members about the needs of other stakeholders at each site. Equally important, the teams include a diverse array of stakeholders not normally involved with corrective action sites, including representatives from economic development organizations, cities, and property developers.

Lessons Learned for the RCRA Program

There are several lessons learned from the pilots that may have implications for the RCRA program:

Better Integrate Brownfields Redevelopment Opportunities into RCRA Corrective Action Programs, as appropriate. Regional and state personnel are more empowered to incorporate redevelopment concerns into cleanups, as appropriate, but need to be more aware of the flexibility that existing Brownfields and RCRA “tools” can provide to satisfy the site-specific needs of the site. These personnel need a better understanding of development issues and how to accommodate them when using federal and state cleanup programs, thereby helping to revitalize idled RCRA properties. Applying the lessons learned from the pilots to other RCRA corrective action sites can help EPA and authorized states achieve their overall RCRA and GPRA program goals. Thus, the pilots are a good start, but much more remains to be done. As one stakeholder remarked, “Shouldn’t brownfields thinking be part of every Corrective Action project?” A good example of creative thinking is at the CBS/Viacom site. The owner/operator and City of Bridgeport crafted an agreement under which CBS/Viacom would retain corrective action obligations after the City obtains title to the site and sells it to a third-party developer. CBS/Viacom and the City agreed to work the redevelopment plans around the corrective action (e.g., site cap, access to groundwater wells). The presence of a potential redeveloper spurred the pace of cleanup, and ensured that on-going remediation activities would not affect reuse.

Encourage High-Quality Owner/Operator Initiated RCRA Investigations and Cleanups. The owners/operators of all four pilot sites proactively participated in a variety of activities, depending on the circumstances at their individual sites. Three submitted various work plans and conducted investigations, all four provided certain reports and data, and three conducted cleanups. It appears that the incentive to move quickly spurred owners/operators out of the normal “reactive” mode. The ability of EPA and the state to act on these owner/operator

initiated efforts eliminated years of procedural time. Efforts to involve the public were enhanced by the stakeholder process as well as the pilot team's focus on public communication.

Forge Cooperative Relationships between EPA and the States. All of the pilots in effect created “one stop shopping” for the community, the owner/operator, and the redeveloper to have state and federal cleanup issues resolved in a more holistic manner. For example, at the CBS/Viacom pilot, the state is not authorized for RCRA corrective action, but EPA and the State of Connecticut coordinated program requirements and work assignments smoothly. Connecticut remediation standards for industrial/commercial future land use were integrated with RCRA risk-based cleanup requirements to avoid duplication. Similarly, at the PECO-Energy pilot, EPA's partnership with the state voluntary program under Pennsylvania's Land Recycling and Reclamation Act saved valuable resources by enabling PECO-Energy to use one administrative process to satisfy both state and federal corrective action goals. All of the pilots, in effect, created “one stop shopping” for the community, the owner/operator, and the redeveloper to resolve issues.

Be Receptive to “Carving Out” Portions of RCRA Permitted or Interim Status Facilities, where appropriate. At least two pilots identified RCRA cleanup liability as an issue for local governments interested in redeveloping sites. In particular, local officials are concerned about pursuing redevelopment opportunities where the property (including even a portion of a larger site) at issue is, or potentially will be, subject to RCRA corrective action because the property is a permitted facility or operating under RCRA Interim Status. In these cases, local officials are concerned that the potential cleanup liability might convey with title to the property. EPA should address how sites can be “deleted” or carved out from potential RCRA cleanup liability, and make available examples of successful approaches that have been used at particular sites. The issue has been addressed at some individual permitted facilities through permit modifications. Other approaches, such as those described in EPA's upcoming “completion” guidance, may provide appropriate “comfort” at Interim Status facilities.

Encourage States to Allow Appropriate use of VCPs for Specific RCRA Sites. Some states, either by statute or policy, consider RCRA sites to be ineligible for entry into their voluntary cleanup programs (VCPs). This may be a barrier to expedited cleanup and redevelopment. Owners/operators may perceive the voluntary cleanup programs as more flexible in implementation, and in cases where a real estate transaction will occur or a loan is needed, a “no further action” letter from the state's VCP may be critical to the project. Also, these programs are independent sources of resources that can be effectively brought to bear at RCRA sites. States whose VCP meets or exceeds the substantive requirements of the federal RCRA program for cleanup and public participation might offer an expeditious complement to their authorized corrective action program.

Reinforce Messages about Procedural Flexibility. Although the message from EPA Headquarters has been to use “opportunities for statutory and regulatory flexibility in RCRA” and to adopt a “performance-based approach” to cleanup, the pilots reveal that many stakeholders want to adopt process-oriented methods to the reforms rather than apply the reforms as new

tools. It seems that using a new approach sometimes is “in addition to” and not “in lieu of” the old process approach.

It would be helpful for EPA and the states to conduct further training and outreach to explain application of the RCRA corrective action reforms that “foster maximum use of program flexibility and practical approaches” to cleanup at RCRA sites.

Form Project “Teams.” Pilot experience shows that pilot teams and teamwork can create optimism within state and local governments and community interests for progress toward cleanup and redevelopment. While coordinating meetings, conference calls, and federal and state programs with the stakeholders takes time, in the end, these efforts probably save time by creating a “template” that can be used in other contexts.

Encourage New Thinking by, and a Willingness to Engage with, the Regulated Community on Ways to Integrate Reuse into the Corrective Action Process. Typically at RCRA sites there is a financially viable owner/operator legally responsible for site assessment and cleanup. This means there are potential financial and technical resources that can be used for cleanup that can help create redevelopment opportunities that benefit both the owner/operator and the community. Site investigations and cleanup of facilities can be accomplished in advance of permitting, using administrative agreements or streamlined voluntary approaches under state or federal authorities, especially for less complex sites or portions of sites.

Government and private parties should come to the table prepared to focus on the goal of getting property cleaned up and back into productive use. At one pilot, taking a fresh approach resulted in noteworthy and very positive shifts in attitude. At all four pilots, newly opened lines of communication enhanced working relationships between regulators and industry representatives and fostered innovative strategies to meet regulatory obligations while achieving environmental and economic success.

Lessons Learned for administering the next round of pilots

Pre-Application

Advance Stakeholder Buy-in is Critical. EPA needs to discuss the objectives of the pilot selection process with private and public stakeholders before the pilot application. This consultation did not happen in all cases. Some private interests were worried about being “singled out” or stigmatized. Some local interests also expressed concern at being “left out” and theorized it was due to RCRA not being flexible.

Solicit Applications from External Stakeholders. The first round of pilots were solicited from EPA Regions and states. One pilot stakeholder suggested that EPA solicit future ideas from external stakeholders, such as community groups, local governments, and owner/operators. This would require some advertising, but could bring a wide range of opportunities to EPA’s attention.

Establish Expectations Up Front. EPA RCRA and Brownfields program staff need to discuss the scope, new approaches, and outputs up front. Even with RCRA corrective action reforms, the RCRA regulatory requirements are complex and often not well understood by specialists in brownfields programs. Similarly, Superfund Brownfields approaches are not always well known to RCRA staff. All four pilots benefitted from exchanges of viewpoints, ideas, and information through the workgroup, but advance staff-level discussions could help the participants and help streamline the process.

Enlist Senior Management Support. Senior Regional and RCRA program management in EPA Regions and the states should be “on board” before submission of applications to ensure the commitment to trying out new approaches. In three pilots, it was necessary to elevate issues to Regional and state management officials. In each case, management made decisions instrumental to trying new approaches. At the Bethlehem Steel site, for example, it was necessary to enlist both state and Regional management to approve use of a voluntary order to address issues related to use of the New York voluntary cleanup program at a RCRA Interim Status facility. At the PECO-Energy site, EPA senior management met with the state and local officials to speed the pilot’s progress.

Application Process

Streamline the Applications. The application/submission process itself proved workable, and the project application seemed to provide most of the necessary information. A relatively succinct writeup seems sufficient, as long as the issue/problem, objective(s), stakeholder interest/involvement, and outputs are clearly delineated.

Provide an Informal Feedback Loop for Pilot Applicants. The pilot review and selection process worked smoothly and fairly, and should remain within the workgroup framework. While the workgroup ranking and discussion of applications resulted in thorough analysis of applications, there was no mechanism to provide feedback about weaknesses, suggested points of emphasis, or questions for clarification to applicants once final selections were made.

Pilot project implementation

Continue and Build on the Team Approach. For purposes of project management and to assist communications across many areas of interest, a pilot “team” process was instituted for each pilot. The teams included participants from state/local governments, EPA (both Headquarters and Region), company representatives in both technical and legal services, and community interests. The pilots reinforce the importance of forming a pilot team for each site to work on issues, formulate solutions and approaches, and build consensus. The pilots also demonstrate the value of a team leader to help manage the team process and push resolution of issues.

Suggested “Model” Team Composition

- Team leader
- EPA Representatives from Programs (Headquarters or Region) - Brownfields, RCRA, OECA
- State Environmental Agency - staff and mid-management
- State and/or local economic development/redevelopment agency
- Representatives from site owner/industry
- Others in local community

While somewhat dependent on the scope of the pilot, weekly or twice-monthly conference calls involving all the players helps assure success. Pilots with routine and significant communications with all team members have achieved fairly dramatic and substantially accelerated progress toward cleanup and reuse.

DESCRIPTION OF THE PILOTS

The following is a detailed description of each pilot, including background information, goals, innovations tested, results to date, lessons learned, and future plans:

CBS/VIACOM BRIDGEPORT, CONNECTICUT PILOT

Background

The CBS/Viacom site in Bridgeport, Connecticut⁴ was in use from 1888 until 1988. The site was formerly the Westinghouse Electric Corporation Bryant Electric facility, which manufactured electrical components. Longer-term plans are to transfer the site to the City of Bridgeport, which will transfer the site to a third party who will develop it for a new industrial use. The city identified a local manufacturer who proposes a new manufacturing plant that would be more than 200,000 square feet in size. The goal of the site clean-up is to comply with both the Connecticut Department of Environmental Protection (CT DEP) Property Transfer Act program and EPA RCRA Corrective Action program requirements. A key challenge in this pilot is integrating state and federal cleanup requirements to avoid duplication and ensure the cleanup is protective of human health and the environment considering the (industrial use) site-redevelopment plans. The future plan is to develop a light manufacturing facility.

Planned Short-Term Goals and Results to Date

- **Enhance Stakeholders’ Involvement in Joint Problem Solving:** A stakeholder group was formed that includes federal, state (environmental and economic development), city,

⁴Midway through this pilot, which originated as the CBS Bridgeport Pilot, Viacom purchased CBS.

and company representatives. Site developers were later added to the team. Formation of this group is a significant accomplishment because the company was reluctant to be involved at the outset. Monthly stakeholder meetings were held and have helped expedite the site assessment, remediation, and redevelopment activities.

- **Identify and Resolve Differences in Connecticut Property Transfer Act and RCRA Corrective Action Requirements:** All substantive and procedural differences and overlaps between state and federal requirements were identified and Viacom is working toward compliance. For example, EPA staff developed a table comparing the CTDEP remedial cleanup standards necessary for property transfer with the RCRA corrective action cleanup standards, and determined that the CTDEP risk-based standards based on future land-use plans were protective. As remediation progresses, on-going compliance with these requirements will be reviewed, with a hoped-for outcome that is consistent with RCRA corrective action requirements.
- **Work to Resolve Site-wide RCRA Facility Investigation (RFI) Characterization Issues:** Except for one important groundwater characterization issue, all of the site assessment or RFI issues have been resolved over the course of the pilot. The remaining issue is to more fully characterize the nature and extent of a chlorinated solvent plume that may have migrated off-site.
- **Work to Formulate RFI Work Plan to Assess the Groundwater Plume:** The work plan is complete and characterization of the groundwater plume is underway. It is hoped that implementation of the work plan will complete plume characterization and allow for a review of the performance of the stabilization measures to control migration.
- **Assist Bridgeport in Community Outreach Efforts:** EPA took the lead in coordinating development of a fact sheet that fully describes the status and plans for the site. The fact sheet was printed on an innovative “joint” letterhead showing EPA, State of Connecticut, City of Bridgeport, and Viacom involvement. Local redevelopment organizations circulated the fact sheet to several thousand local recipients.
- **Re-evaluate Site for Achievement of Environmental Indicators (RCRIS CA 725 and CA 750):** Progress on plume characterization and ongoing remediation activities show promise that the site will be found to meet the environmental indicators because controlling both groundwater migration and human exposures are under control.

Successes and Innovations

- Viacom has already initiated active remediation at the site, which helps ensure that the State Property Transfer requirements and EPA stabilization goals are achieved. Viacom has installed and is currently operating soil vapor extraction (SVE) and air sparging (AS) systems, and has installed and operates a pilot-scale groundwater recovery and treatment system. Viacom also has agreed to work with the ultimate developer of the site to incorporate remediation technology into the building design, if necessary. As a result, the ongoing cleanup will not impede redevelopment of the site.

- Viacom and Bridgeport signed an agreement under which the company agreed to complete its cleanup obligations under RCRA and the Connecticut Property Transfer Act. As a result, Prime Resources, a redeveloper, was provided “comfort” and is working with Viacom to complete purchase of the site. In addition, Viacom has completed work with Prime Resources to incorporate remediation requirements into the building design and construction plans so that ongoing remediation will not impede redevelopment. When completed, the site is expected to include a 200,000 square foot light industrial manufacturing facility and provide several hundred jobs and millions of dollars for the community.
- The team approach enabled all parties involved in the investigation, remediation, and redevelopment to stay informed on issues affecting the site, and has enabled these stakeholders to work collectively to solve problems. For example, representatives of both Bridgeport and state economic development programs were able to exchange perspectives with Viacom representatives and CTDEP and EPA regulatory officials.
- Viacom voluntarily has conducted all of the site assessment and cleanup activities this far without the legal mechanism of a permit or order, thus saving perhaps as much as six months in time and legal resources in the negotiation of an order.
- Communication among the team members helped keep the group apprised of the site redeveloper’s due diligence efforts and coordinated stakeholders’ efforts to provide timely and responsive information concerning site conditions to the prospective purchaser.
- Focused communication accelerated the cleanup by enabling team members to resolve technical issues informally and expeditiously, consistent with the RCRA corrective action reforms that emphasize results.

Lessons Learned

EPA RCRA Corrective Action guidance contains recommended approaches that differ in both breadth and scope from the requirements of the Connecticut Property Transfer Act. The pilot successfully showed that EPA and a non-delegated state program can work together cooperatively to streamline different program approaches. The goals of EPA’s RCRA Corrective Action program, the Connecticut property transfer program, the City of Bridgeport’s redevelopment office, the facility owner/operator, and the community all are being achieved.

Future of Pilot

EPA will work with the pilot stakeholders to achieve Environmental Indicators at the site and to conduct future cleanup activities in a way that appropriately and simultaneously accommodates cleanup of the site with the transfer of the property to the redeveloper so that new jobs and economic opportunities can be provided to the community.

Stakeholder Feedback

Stakeholders contacted included state, local government, and industry participants. Their detailed comments are included *in the APPENDIX*. In summary, stakeholders emphasized the value of the pilot in bringing diverse stakeholder interests to the table. This helped to integrate cleanup and redevelopment issues and kept expectations clear for all parties. Some expressed reservations that the activities may have increased expenses, so companies should be given an opportunity for advance consent. There is general consensus that the pilot helped streamline the assessment and cleanup process and that the continued coordination provided by the pilot is favorable.

BETHLEHEM STEEL CORPORATION LACKAWANNA, NEW YORK PILOT

Background

The Bethlehem Steel Corporation (BSC) site is a steel manufacturing facility at which past operations resulted in the contamination of certain portions of the site. The site is a RCRA treatment, storage, or disposal facility (TSDF) under Interim Status. The company currently is investigating the contaminated areas under a RCRA 3008(h) consent order with EPA. The pilot is focused on a 102-acre parcel that holds promise for industrial or commercial reuse as the first step in a phased, longer-term plan for the entire site as part of a revitalized “Greenway” to the Buffalo area. Erie County, New York, has \$1-2 million available for infrastructure and improvements to the parcel but the county wants more assurances about contamination and liability before undertaking the investment. The Lackawanna Community Development Commission (LCDC), City of Lackawanna, would take ownership of the property. EPA issued a “no further action” letter to BSC for the solid waste management units on the 102-acre parcel, but until the pilot project, the parcel remained part of the EPA/Bethlehem Steel RCRA facility investigation consent order. Under normal circumstances, this portion of the property probably would not be redeveloped until the balance of the site has been investigated and cleaned up as necessary.

EPA and the stakeholders hoped to remove obstacles to the city and county’s plan for the redevelopment of the 102-acre parcel by first removing it from the RFI consent order. Then BSC, working with the state and Erie County, would reassess this area as part of their due diligence prior to any property transactions or investment in infrastructure. This pilot has explored conducting this reassessment under the state voluntary cleanup program. If the pilot site is successfully returned to use, the administrative process devised for the 102-acre area may be applied to other portions of the Bethlehem Steel facility (including an adjacent 500-acre parcel).

Pilot Goals and Innovations

The goal of the project is to remove the 102-acre parcel, and subsequently, an additional 500 acres of the facility from the EPA RFI consent order. BSC requested that an additional goal for the project be removal of RCRA Interim Status designation for the 102-acre and/or 500-acre

parcels so these portions of the site would be eligible under the state's Voluntary Cleanup Program. New York draft policy for the VCP currently prohibits sites operating under a RCRA order or with RCRA Interim Status from eligibility into the program.

Despite Bethlehem Steel's request, EPA Region 2 and the NYDEC concluded that it would be difficult and time consuming to attempt to find a way to remove the "RCRA Interim Status designation" for the 102-acre parcel as long as BSC remained owner of the parcel. This situation appeared to preclude use of New York's Voluntary Cleanup Program. As an alternative approach, NYDEC with the concurrence of EPA, devised a voluntary consent order mechanism for the 102-acre parcel that is substantively equivalent to a VCP approach, but which would not be precluded from use at a RCRA Interim Status facility.

Another goal of the pilot is to find ways to integrate the different expectations of RCRA and applicable procedures of the NYDEC, EPA, and Erie County to facilitate the phased redevelopment, as well as to improve community involvement in planning and activities at the site. The future plan is to build a light industrial park.

Results to Date and Accomplishments

- BSC submitted the requisite request and legal survey information to EPA for release of the 102-acre parcel from the RFI order. EPA issued a letter of release and BSC and EPA both signed amended terms to the order on January 12, 2001, which achieved the initial goal of the pilot project.
- To satisfy BSC's request to proceed under state cleanup authority and Erie County's desire for further investigation of the 102-acre parcel, BSC has elected to enter into a voluntary consent order with NYDEC. NYDEC will issue a consent order modeled after the VCP approach that will implement a state-approved site assessment work plan prepared by BSC. NYDEC is expected to provide BSC with industrial land-use cleanup levels and liability releases, as appropriate, once BSC has successfully met the requirements of the order.
- On June 27, 2000, EPA funded, and the pilot team conducted, a successful stakeholder workshop and public meeting that involved federal, state, and local officials as well as residents interested in environmental and redevelopment issues at the site. Erie County was instrumental to the success of the public dialogue by bringing in academics, urban planners, and developers to discuss cleanup and revitalization of this "Greenway" into the Buffalo area.
- EPA, the state, the county, and BSC have developed a cooperative working relationship that should streamline future discussions about investigation and regulatory treatment of remaining parcels on this property. The group hopes to create a template that will help expedite cleanup and resulting redevelopment of the remainder of the underused portions of BSC's property.

Lessons Learned

- Removal of the 102-acre parcel from an EPA RCRA consent order allowed continued progress on redevelopment goals.
- From EPA's perspective, state cleanup programs, such as acceptable voluntary cleanup programs, can help expedite the assessment and cleanup of RCRA sites. States should not automatically preclude their use at these sites.
- RCRA Interim Status can impose a stigma that discourages redevelopment. EPA and states should find creative ways to address that stigma wherever appropriate.
- Creating a cooperative working relationship and spirit of trust among diverse stakeholders on the pilot team is essential to making progress on the integration of differing regulatory programs.
- Engaging the public and local community helps focus the dialogue on cleanup and community revitalization.

Future of the Pilot

A letter to EPA requesting release of the 102-acre parcel from the RFI order, a legal survey of the 102-acre area, and a letter from EPA to BSC regarding release of the 102-acre parcel have been completed. EPA and BSC have signed an amendment to the RFI order to remove the 102-acre area.

NYSDEC plans to negotiate a voluntary consent order with BSC. BSC also needs to negotiate an investigation work plan to fulfill NYDEC requirements and to help Erie County with the due diligence for the 102-acre parcel. Once these negotiations are complete, BSC will conduct investigation and cleanup activities required for the 102-acre parcel. At that point, the team hopes to begin addressing the next, potentially low-risk parcels planned for investigation, cleanup, and redevelopment. It is hoped that before the end of 2001, Erie County will commit funding to start infrastructure improvements on the 102-acre parcel as the next major step toward redevelopment by the City of Lackawanna.

Stakeholder Feedback

Stakeholders contacted included the owner/operator and state and local governments. Their comments are presented *in the APPENDIX*. In summary, stakeholders expressed their views on two aspects of the pilot project. First, there was consensus that the pilot project addressed RCRA issues in a way that accelerated the process toward redevelopment, highlighted the importance of seeking to accommodate redevelopment goals in cleanup, enhanced communications, and served to partially address the company's eligibility to participate in the state voluntary program. However, commenters expressed frustration with what they saw as the inflexibility of RCRA regulators at Interim Status facilities.

PECO-ENERGY CHESTER, PENNSYLVANIA PILOT

Background

The PECO-Energy (now the Exelon Corporation) site comprises about 88 acres along the Delaware River in Chester, Pennsylvania. Seventeen of these acres are currently under a RCRA 3008(h) Administrative Consent Order to investigate and characterize past waste activities. The Delaware River waterfront has been an industrial area for about the last 150 years. Contamination at the site consists primarily of petroleum products and poly aromatic hydrocarbons (PAH) from decomposing resins. Interim measures are in place to recover free product and prevent sheens from forming on the surface of the Delaware River.

PECO-Energy no longer needs much of the land at the Chester site and is committed to cleaning up the site for redevelopment. Current proposed uses include office buildings and other commercial ventures. The city is an Environmental Justice area and the Regional Environmental Justice Office has played an important part in this project.

Pilot Goals and Innovations

The overall goal of this pilot is to expedite efficient remediation that protects human health and the environment and does not hinder redevelopment by integrating the administrative processes of the RCRA Corrective Action and Pennsylvania's Act 2 programs. Once integrated, remediation at the PECO-Energy site will be done under the Act 2 administrative process to avoid duplication of time and resources for EPA, the state, and PECO-Energy. Because of this integrated process, EPA has eliminated the need to negotiate a second Consent Order for investigation of the site beyond the original 17 acres and a third Consent Order for implementation of the remedy. When PECO-Energy finishes all the remediation requirements, the entire 88-acre site will be suitable for redevelopment.

Accomplishments and Lessons Learned

- Frequent communication between EPA, PECO-Energy, PA DEP, city officials, and the public makes the process proceed smoothly. This is especially important because the City of Chester is an Environmental Justice area.
- By integrating the Act 2 requirements and the RCRA Corrective Action process, the area under investigation was expanded from the 17 acres of the Consent Order to the entire 88-acre site. The cleanup is ongoing and once the remediation is completed, the site may apply to PA DEP for a release of environmental liability.
- EPA became more familiar with Pennsylvania's Act 2 as EPA learned to integrate the cleanup goals of the two programs. As a result, future coordination efforts between the Region and PA DEP should proceed more quickly, which could expedite cleanup and redevelopment at other sites.

- Remediation was faster. By eliminating the need for a second RCRA Consent Order to investigate the rest of the site and a third RCRA Consent Order to implement the remedy, an estimated 24 to 36 months of EPA and PECO-Energy time and resources were saved.
- EPA and the state became more efficient. By using one administrative process, EPA, PA DEP, and PECO-Energy did not have to duplicate their efforts and saved resources. These resources now can be used to plan for remediation and redevelopment.
- EPA's approach to corrective action at this site helped speed redevelopment, including the creation of a river front park to enhance the quality of life in an environmental justice community.

Future of the Pilot

On October 11, 2000, PECO-Energy Preferred Real Estate Investments (PREI) unveiled its proposed redevelopment project plans for the Chester waterfront. The project is expected to represent an investment of some \$150-\$200 million, create approximately 3,000 permanent jobs, and create 500 temporary construction jobs. PREI signed a purchaser agreement in July 2000 and closed on the property in May 2001. PREI has received a commitment from Synygy, Inc., a software and systems provider company, to move its corporate headquarters to the site. PREI plans to begin development during 2001 by renovating the old generating station into office space.

EPA expects to issue the Statement of Basis in late 2001, which begins the public comment period for the proposed final remedy. EPA plans to mail a fact sheet to members of the community and to hold a public meeting to collect comments. After a final remedy is determined, PECO-Energy/Exelon will implement the remediation goals through the Act 2 process.

Stakeholder Feedback

Stakeholders contacted included state and industry interests. Their comments are included *in the APPENDIX*. Stakeholders were uniformly supportive of the pilot as a demonstration of how to integrate the federal RCRA corrective action program with the state cleanup law to minimize duplication and accelerate the cleanup and redevelopment process.

THE BLUE VALLEY REDEVELOPMENT KANSAS CITY, MISSOURI PILOT

Background

The Blue Valley area in Kansas City, Missouri, is a blighted, multi-facility industrial area that includes several RCRA-regulated facilities, including wood treaters and scrap recyclers. The area is the Blue River flood plain in east Kansas City. This RCRA Pilot builds on the work of the existing interagency Blue Valley Redevelopment Team formed to examine opportunities posed by the U.S. Army Corps of Engineers (USACE) flood control/rechannelization project on the Blue

River and the EPA Brownfields program. The team partners include EPA Region 7, USACE, City of Kansas City (various offices), Missouri Department of Natural Resources, Hanson/Beazer East, CEC, Inc. (a RCRA facility in the Blue Valley), and the Blue Valley Industrial Association.

Goals of the Pilot

The goals of the pilot are to perform an area-wide assessment of the Blue River Industrial Corridor and facilitate site-specific cleanup and redevelopment of properties within this area, starting with the Beazer East site. As a first step, the area-wide environmental assessment includes the use of geographic information system (GIS) maps to compile and integrate data from the USACE, RCRA permits, Superfund assessments, and other pertinent environmental and economic redevelopment information. These maps have been included in the city's "Redevelopment Opportunity Portfolio." At the Beazer East site, a high-priority RCRA facility with a post-closure permit, the team coordinated logistics, secured approvals to use dredged material from the re-channelization project to make site improvements necessary for cleanup and redevelopment, and provided certainty regarding future cleanup obligations by removing cleaned portions from the cleanup requirements in the permit. The future plans are to place new industrial facilities on old industrial properties and to revitalize the area.

Results and Accomplishments to Date

- The team has completed GIS maps for the Blue Valley and collected and reviewed existing site specific environmental data from RCRA permits and other sources.
- The collected environmental data will become part of an area-wide background study which will be used as a baseline comparison of contaminants in site-specific investigations to be conducted within Missouri's VCP. The background study is about to begin pending the approval of Missouri Department of Natural Resources.
- Multiple site tours have been conducted by the city to publicize the Redevelopment Opportunities Portfolio.
- Approval has been obtained from Missouri to use clean dredged material as fill at the Beazer East site to help stabilize the site for subsequent assessment and possible further remediation. An approval from Kansas City is still needed for the placement of the fill within the 100-years flood plain. The use of dredge materials has expedited RCRA Corrective Action at the site.
- The Team has focused attention on the cleanup, redevelopment, and reuse of the AK Steel site, a former steel making facility. AK Steel is now performing interim corrective actions at the site.

Lessons Learned

- Frequent communication among stakeholders and a willingness to bridge the differences between different governments and regulatory programs is critical to success.
- Resolving issues associated with the reuse of dredged fill material approval in time for the USACE project work, with approvals required by Kansas City, Missouri, and other entities (railroads), has been a challenge. Now that stakeholders have worked through the issues once at the Beazer East site, they should be able to proceed more expeditiously at other sites in the Blue Valley where reuse of dredged material is appropriate.

Future of the Pilot

In September 2001, the Team partners anticipate that an area-wide characterization of the environmental conditions of the Blue Valley Industrial Corridor will be conducted, including typical contamination levels by past-land-use category, background PAH and metals levels, and qualitative ecological risk assessment data for use in site-specific risk assessments necessary for voluntary cleanups. EPA also anticipates carving out Beazer East Tracts A and B from the RCRA permit and the successful redevelopment of part or all of the Beazer East site.

Stakeholder Feedback

Stakeholders contacted included city, community, and business interests. Their comments are included *in the APPENDIX*. The pilot was credited with accelerating the state RCRA process and integrating state and federal approaches to accommodate site redevelopment goals. Stakeholders felt that EPA should further explore the connection between brownfields and RCRA sites as there often is a disconnect between remedial project managers and city land-use planners regarding end use of the site. Some stakeholders felt that regulator attitudes often are a disincentive for companies to “step up for help.” They believe that for that reason, brownfield sites remain unaddressed even though they are often ideally situated compared with greenfield sites.

APPENDIX

Stakeholder Feedback on RCRA Brownfields Prevention Initiative Pilot Projects

[Note: EPA sought feedback from external stakeholders involved with each of the four pilot projects to help the Agency further improve communications, define needed refinements to the overall RCRA Brownfields Prevention Initiative, and identify their concerns and perspectives. EPA's view is that all of the pilots worked well to identify issues and to formulate solutions, and that the feedback was beneficial to focus attention on specific concerns and necessary next steps in communications and outreach. Stakeholder comments are verbatim or edited only for context. To assist the reader, each set of comments is followed by a note explaining the Agency's response and steps taken to date, as appropriate.]

CBS/VIACOM BRIDGEPORT, CONNECTICUT PILOT

Stakeholder Comments

- There is “buy in” to the concept that getting everyone to the table and talking about all the issues involving cleanup and redevelopment will advance both. “The proof will be in the pudding on this pilot, as it is still early on.” The pilot does show that if you get all the stakeholders communicating, good things can happen.
- The jury is still out here, however, and it is hoped that the cleanup will not be complicated by RCRA regulations.
- This pilot project is a good process. It helped timeliness some and it would be very helpful for the pilot to continue, as it has greatly improved communications between all parties and kept all expectations on the table and understood by all parties. There is a big overall benefit to being able to integrate remediation with redevelopment.
- The pilot is not of great consequence yet; but it is admirable that EPA is making an effort to streamline the process.
- [The pilot project] While not a regulatory program, “it still could involve some additional expense to companies, and thus they should only be brought into the pilot process with their advance consent.”
- A site earlier in the process might be more amenable to the pilot process, but this one had been in the state pipeline for 12 years, and now was being shoe-horned” into the federal RCRA pilot program. A fresher site may be more conducive to streamlining.
- The potential redevelopment here would be viewed as a home run if it ultimately came through. Any word from EPA and/or the state that the pilot process would be aimed at

streamlining the assessment and cleanup at a minimum, would not be an obstacle to the redeveloper, and would continue to coordinate efforts would be viewed very favorably by the interested parties.

- The potential redeveloper may wish to explore further liability relief such as state covenants not to sue or federal comfort letters.

EPA Response: The Agency appreciates the feedback about early communication with companies that may become involved in pilot projects. Based on the pilot to date, EPA is confident that the RCRA will not impede successful completion of the project. EPA and the state are working with the redeveloper, provided assurances that the assessment and cleanup can proceed as part of the redevelopment planning, and will continue to coordinate efforts at the site. For the next round of RCRA Brownfields projects, EPA included company acceptance as a key consideration for selection, stakeholders were apprised well in advance, and in several cases, helped to define the scope of the pilot effort. The Agency also believes this project (as well as the other first round pilots) further reinforces the value of broad-based and early stakeholder involvement in RCRA cleanups where the potential exists for property reuse and revitalization. EPA has worked to help streamline the assessment and cleanup with the involvement of city, state, and private redevelopment interests.

BETHLEHEM STEEL CORPORATION LACKAWANNA, NEW YORK PILOT

Stakeholder Comments

- Having the pilot project and forming the pilot team represented a “genuine” effort. It was beneficial to have “parties at the table to hear issues,” “break down barriers to communication,” and very much “worthwhile overall.”
- The pilot process helped focus attention and “accelerate action at the facility, especially for the 102-acre parcel” covered by the pilot project. Two commenters further noted that but for the pilot project, the non- or less-contaminated portion (the 102 acres) would “not have been dealt with” separately and redevelopment at that (and adjacent portions) of the site would have been delayed until the entire site was assessed and remediated, which is years away.
- Several comments addressed the issue of release of Interim Status for the 102-acre parcel. EPA “inflexibility” under RCRA to “protect over-filing” and “EPA refusal to release Interim Status is a mystery, and seems designed to, keep the owner/operator from spending its money to clean its site to put the parcel back on the tax rolls as soon as possible.” Another comment expressed disappointment that the project couldn’t “hit the Interim Status issue head-on” and that what has happened (the state voluntary order) is “skirting the Interim Status issue.”

- The state commitment to use a “voluntary order” (for the 102 acres) will work for this parcel at this site, but in all probability may not be used elsewhere at this site and won’t help anybody else at other sites, in this area or elsewhere in the state.
- The pilot really “highlighted the importance of redevelopment goals.”
- The pilot should continue to keep the spotlight on the Interim Status “release” issue and continue pushing EPA and the state to fix it, otherwise, it was not clear that the pilot would accomplish anything further once the state order went into effect. It is good to have everyone talking but that may not be enough reason to keep going.

EPA Response: EPA understands the difficulties that can arise regarding the regulatory status of RCRA sites and agrees that it would be helpful to clarify how and when regulators may release a facility from “Interim Status” at RCRA facilities. At this pilot site, EPA encouraged and strongly supported pilot team efforts to work through the Interim Status issues in a way that recognized the interests of both the company and community and provided for an outcome that is consistent with the state voluntary cleanup program and meets the overall RCRA goal of protection of human health and the environment. The state’s voluntary order is expected to serve these purposes. Subsequent to the release of the 102-acre parcel from the RFI, EPA also notified the state that upon the completion of the ongoing facility investigation, the entire site would be turned over to New York for completion of assessments or remediation as may be necessary. EPA will issue for comment guidance on ways to reflect that cleanup obligations at RCRA sites or portions of sites (whether permitted or Interim Status) are complete. Where appropriate, EPA will continue to encourage the use of state voluntary cleanup authorities or other alternative approaches to help expedite cleanup and redevelopment and prevent future brownfields at RCRA sites.

PECO-ENERGY CHESTER, PENNSYLVANIA PILOT

Stakeholder Comments

- The pilot has been very helpful. This one, along with three others, is showing how to fully integrate [Pennsylvania’s] Act 2 with RCRA corrective action. Stakeholders are working well with EPA.
- The “hang-up” at the site is not administrative, but is the city and county debating over the land-use plan. Some are pushing for residential use that would require re-zoning and more cleanup. The plan must be complete before remedy selection and the pilot may help push the process along.
- It would be helpful for EPA to get a more formal process or mechanism into place for EPA to simply refer corrective action sites to Act 2. That effort would greatly streamline cleanup.

EPA Response: Like the CBS/Viacom pilot, this project demonstrated that state cleanup programs, whether in authorized states or not, can be effectively integrated with federal RCRA

programs to enhance efficiency, avoid duplication, and streamline the cleanup and redevelopment process. The Agency will continue to emphasize the importance of diverse stakeholder involvement at sites and the value of the involvement, in particular when environmental justice issues arise. EPA Region 3 is working with PA DEP to address the issue of a formal mechanism for site referral to the Act 2 program, where appropriate.

THE BLUE VALLEY REDEVELOPMENT KANSAS CITY, MISSOURI PILOT

Stakeholder Comments

- There is a beneficial effect to changing the RCRA culture from a five- to ten-year regulatory process to close out sites to a more expeditious redevelopment-oriented approach.
- A major drawback is the lack of direct funding for the pilots. It is hard to see the value of more pilots without either more funding or more personnel in terms of in-house EPA resources to help out.
- In terms of benefits, the status as a RCRA pilot helped the process at the state level, both in terms of accelerating the RCRA process and being more receptive to site redevelopment. This is a key benefit as many states have become more conservative [cautious] than EPA in recent years. We hope to see more benefits in the coming months.
- It would be helpful to solicit pilot applications from outside EPA. Let projects come from communities or owner/operators, not just EPA. This would take some marketing effort and incentives to advertise.
- EPA should explore more of the connection between brownfields and RCRA sites. EPA should also involve other agencies as stakeholders in the RCRA process. For example, there often is a disconnect between EPA's remedial project managers and the city land-use planners as to the end use of the site.
- EPA Region 7 is a good advocate for encouraging corrective action sites to enter into brownfields reuse programs [such as this pilot].
- A "dictatorial" attitude is prevalent among cleanup regulators, including RCRA, that fails to recognize and deal with companies willing to "step up" and that need help, but instead find no incentive and no reward for taking the initiative. So it remains easier for companies to do nothing.
- One company strongly advocated redevelopment and also noted more generally that steel company sites, which can have problems, often are situated in ideal locations compared with "greenfields" sites.

EPA Response: The Agency appreciates the feedback on the Blue Valley Redevelopment pilot and will continue to stress the importance of early and on-going involvement of stakeholders in any site cleanups, as well as the importance of speeding cleanup to allow redevelopment of RCRA sites wherever possible. Training and outreach to stakeholders, including federal and state regulators, will continue as part of the RCRA Brownfields Prevention Initiative throughout 2001.